HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 718 OF 2007

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Between:

N.S.S.V.K. Appa Rao

.....
Petitioner

AND

Vijayawadavari Sri Chaitanya Kalasala
Dasari Commercial Complex,
Bheemavaram,
rep. by its Principal & others.

.....Respondents

:: O R D E R ::

Counsel for the petitioner : Shri Kunareddy Anji Reddy

Dated: 18.01.2007

Per G.S.SINGHVI, CJ

The petitioner, who is a resident of Gunupudi, Bhimavaram, West Godavari District, has filed this petition in the name of public interest litigation for declaring the action of respondent Nos.1 and 2 in running classes 2 km. away from the original centre without obtaining permission from 3rd and 4th respondents as illegal and violative of Articles 14, 19 and 21 of the Constitution of India and to restrain respondent Nos.1 and 2 from shifting the students from the original centre.

We have heard Sri Kunareddy Anji Reddy, learned counsel for the petitioner. In our opinion, the writ petition is a frivolous piece of litigation and is liable to be dismissed as such.

In the affidavit filed by him, the petitioner has alleged that respondent Nos.1 and 2 had issued notification in the month of May, 2006 for admission of students in Intermediate course of BiPC, MPC, CEC, HEC etc. in the college at Dasari Commercial Complex, Juvvalapalem Road, Bhimavaram, but without seeking permission from the competent authority i.e. Board of Intermediate Education, Andhra Pradesh, they shifted the students to another centre, which is 2 k.m. away. In paragraphs 5 and 6 of his affidavit, the petitioner has averred as under:

> "It is submitted that the 1st and 2nd respondent authorities called for notifications in order to admit the students in the month of May 2006 informing that Intermediate course of BiPC, MPC, CEC, HEC etc. will be

given admission making the centre for that college at Dasari Commercial Complex, Juvvalapalem road. For last 2 to 3 academic years, this institution was successful and getting pass percentage or ranks in Intermediate course. So this year, number of people, both girls and boys were admitted only keeping in commercial view but not in the interest of students filling the students with more number and more sections made them and decided to divide into boys batch and girls batch, and the boys batch is transferred to a place near Engineering College i.e. 2 km. from original centre, and making the students and lecturers to come original centre in conducting certain classes and practicals, as a result of which the students were put to lot of suffering. Some of them met with accidents which was in the news on 13th December, 2006 in local Eenadu news daily. Thus, these 1st and 2nd respondents only in the view of commercial basis divide students boys wing and girls wing who are originally admitted in co-education and were put to mental agony and suffering for the convenience of the institution and economically but not in the interest of students admitted into the course. I am told that these 1st and 2nd respondent authorities transferred the boys batch without prior permission and violated permission rules and regulations. They are also using the buses crossed 15 years or old buses in transporting the boys and girls. Every day, these institution buses carry from various colleges and drop the girls into original centre and boys are carried to away of 2 km. i.e. at Engineering College and similarly transporting morning and evening.

6. It is submitted that I and so many other parents approached the 3rd and 4th authorities and given a representation stop this illegality. However, no student is coming forward, in view of the career in the institution and afraid of authorities of institution. So, I have come forward to bring to the notice of this Hon'ble Court regarding the suffering of the children and illegal activities of this

commercial and corporate colleges, who are interested only in earning their money but not future of the children. So, in these circumstances, this Hon'ble Court can invoke the jurisdiction to take action and to direct enquiry against such institution who are committing such illegal activities. Without prior permission, these corporate colleges are running various branches and conducting classes of the Intermediate students which is illegal, arbitrary and violation of Govt. Orders of grant of permission to run the Intermediate colleges and in violation of principles of natural justice and Art.14, 19 and 21 of the Constitution of India."

In our opinion, the above reproduced averments are not sufficient to establish the petitioner's locus to seek a direction against the so-called shifting of education centre by respondent Nos.1 and 2. It is not the petitioner's case that his ward has been admitted in the college run by respondent Nos.1 and 2 and due to shifting of the centre, his ward's right to education has been adversely affected. He has also not disclosed as to how the running of respondent Nos.1 and 2 institutions is violative of any provision of the Constitution or the law enacted by the legislature and how the principles of natural justice have been violated by respondent Nos.1 and 2 by establishing centre at a distance of 2 km. in the premises of an engineering college.

During the hearing, we repeatedly asked the learned counsel to establish the locus of the petitioner in the matter by showing his interest over and above that of a bystander or a meddlesome interloper, but except saying that being a resident of the area, he is interested in the well-being of the students, Sri Anji

Reddy could not point out how the petitioner is entitled to question the running of centres by respondent Nos.1 and 2 at the particular place. He also could not point out as to how the running of centres by respondent Nos.1 and 2 is violative of Articles 14, 19 and 21 of the Constitution or the principles of natural justice as claimed in the petitioner's affidavit. Therefore, we do not find any justification whatsoever to entertain the prayer made in the writ petition.

With the above observations, the writ petition is dismissed.

We would have saddled the petitioner with exemplary costs, but keeping in view the fact that he may have been prompted to file this petition on the advice given by the advocate, we refrain from doing so.

As a sequel to dismissal of the writ petition, WPMP.No.889 of 2007 filed by the petitioner for interim relief is also dismissed.

G.S.SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

18.01.2007

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